

ESTTA Tracking number: **ESTTA772932**

Filing date: **09/26/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	86782562
Applicant	Weiss Watch Company, Inc.
Applied for Mark	WEISS WATCH COMPANY
Correspondence Address	Joshua A. Schaul SHERMAN IP LLP 1519 26th Street Santa Monica, CA 90404 UNITED STATES trademark@shermanip.com, schaul@shermanip.com
Submission	Appeal Brief
Attachments	TMI2-T.e273_Appeal.pdf(628990 bytes )
Filer's Name	Joshua A. Schaul
Filer's e-mail	docketing@shermanip.com, schaul@shermanip.com
Signature	/jas/
Date	09/26/2016

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application

App. No.: 86/782,562  
Filed: October 8, 2015  
By: Weiss Watch Company, Inc.  
For the Trademark: WEISS WATCH COMPANY

**EX PARTE APPEAL FROM**  
**FINAL OFFICE ACTION DATED JULY, 2016**

Appellant Weiss Watch Company, Inc. ('Appellant') hereby submits the following in support of registration of its mark.

## TABLE OF AUTHORITIES

### Cases

<i>Sears, Roebuck &amp; Co. v. Watson</i> , 204 F.2d 32, 33-34, 96 USPQ 360, 362 (D.C. Cir. 1953) .....	2
<i>Bentbin</i> , 37 USPQ2d at 1334 .....	2
<i>Estate of P. D. Beckwith, Inc. v. Commissioner of Patents</i> , 252 U.S. 538, 545–46, 64 L. Ed. 705, 40 S. Ct. 414 (1920) .....	4
<i>Ex parte Rivera Watch Corp.</i> , 106 USPQ 145, 149 (Comm’r Pats. 1955) .....	1, 2
<i>Franklin Mint Corp. v. Master Mfg. Co.</i> , 667 F.2d 1005, 212 U.S.P.Q. 233 (C.C.P.A. 1981) .....	5
<i>In re BDH Two, Inc.</i> , 26 U.S.P.Q.2d 1556, 1558 (T.T.A.B. 1993) .....	9
<i>In re Bentbin Mgmt. GmbH</i> , 37 USPQ2d 1332, 1333 (TTAB 1995) .....	3
<i>In re Bentbin Mgmt. GmbH</i> , 37 USPQ2d 1332, 1333–34 (TTAB 1995) .....	2
<i>In re Garan Inc.</i> , 3 USPQ2d 1537, 1540 (TTAB 1987) .....	3
<i>In re Industrie Pirelli</i> , 9 USPQ2d 1564, 1566 (TTAB 1988) .....	3
<i>In re Isabella Fiore, LLC</i> , 75 USPQ2d 1564 (TTAB 2005) .....	6
<i>In re Joint-Stock Co. “Baik,”</i> 84 USPQ2d 1921, 1923 (TTAB 2007) .....	7
<i>In re Joint-Stock Co. “Baik,”</i> 84 USPQ2d 1921, 1924 (TTAB 2007) .....	3
<i>In re McDonald’s Corp.</i> , 230 U.S.P.Q. 304, 307 (T.T.A.B. 1986) .....	9
<i>In re Petrin Corp.</i> , 231 U.S.P.Q. 902, 903 (T.T.A.B. 1986) .....	5
<i>In re Sava Research Corp.</i> , 32 USPQ2d 1380, 1381 (TTAB 1994) .....	3
<i>In re Sava</i> , 32 USPQ2d 1380 .....	4
<i>In re Sikorsky Aircraft Corp.</i> , 2006 TTAB LEXIS 852, *8-9 (TTAB 2006) .....	3
<i>In re United Distillers plc</i> , 56 USPQ2d 1220, 1222 (TTAB 2000) .....	7
<i>Massey Junior College, Inc. v. Fashion Institute of Technology</i> , 492 F.2d 1399, 181 U.S.P.Q. 272 (C.C.P.A. 1974) .....	5
<i>Yeley</i> , 85 USPQ2d 1150, 1151 (TTAB 2007) .....	2

**Statutes**

15 U.S.C. § 1052(e)(4) .....	1
Lanham Act §2(e)(4) .....	1
TMEP §1211.....	1

## **I. INTRODUCTION**

The Appellant has appealed the trademark examining attorney's refusal to register the trademark WEISS WATCH COMPANY on the ground that it is primarily merely a surname.

As set forth in the following sections of this Appeal Brief, Appellant respectfully submits that the Examining Attorney's contention is in error and requests that this Board reverse the Examining Attorney's refusal to register Appellant's mark under Trademark Act Section 2(e) and pass the WEISS WATCH COMPANY mark to publication.

## **II. ARGUMENT**

### **A. Legal Standard**

Lanham Act §2(e)(4), 15 U.S.C. § 1052(e)(4) provides authority for refusing registration of a mark that is "primarily merely a surname." The key word here is "primar[y.]" As noted in the Trademark Manual of Examining Procedure ("TMEP"), "The question of whether a mark is primarily merely a surname depends on the mark's primary significance to the purchasing public." *See* TMEP §1211 (emphasis added) citing *Ex parte Rivera Watch Corp.*, 106 USPQ 145, 149 (Comm'r Pats. 1955). In fact, TMEP §1211.01 takes note of the legislative history of the Trademark Act of 1946, which "indicates that the word 'primarily' was added to the existing statutory language 'merely' with the intent to exclude registration of names such as 'Johnson' or 'Jones,' but not registration of names such as 'Cotton' or 'King' which, while surnames, have a primary significance other than as a surname." TMEP §1211.01

citing *Sears, Roebuck & Co. v. Watson*, 204 F.2d 32, 33-34, 96 USPQ 360, 362 (D.C. Cir. 1953); *Ex parte Rivera Watch Corp.*, 106 USPQ 145, 149 (Comm'r Pats. 1955).

Accordingly, in cases where the mark does not include stylistic elements, the TTAB has endorsed using the following factors to determine a mark's "primary" significance:

- (1) Whether the surname is rare (see TMEP §1211.01(a)(v));
- (2) Whether the term is the surname of anyone connected with the applicant;
- (3) Whether the term has any recognized meaning other than as a surname (see TMEP §§1211.01(a)–1211.01(a)(vii)); and
- (4) Whether it has the "look and feel" of a surname (see TMEP 1211.01(a)(vi)).

See TMEP §1211.01 citing *In re Benthin Mgmt. GmbH*, 37 USPQ2d 1332, 1333–34 (TTAB 1995). "If there is any doubt as to whether a term is primarily merely a surname, the Board will resolve the doubt in favor of the applicant." *Id.* (emphasis added) citing *Yeley*, 85 USPQ2d 1150, 1151 (TTAB 2007); *Benthin*, 37 USPQ2d at 1334.

## **B. The Rarity of WEISS**

The first factor in the analysis of whether a mark is primarily merely a surname asks whether the surname is rare. TMEP §1211.01(a)(v). "The rarity of a surname is an important factor to be considered in determining whether a term is primarily merely a surname." See TMEP §1211.01(a)(v) citing *In re Joint-Stock Co. "Baik,"* 84 USPQ2d 1921, 1924 (TTAB 2007) (the fact that BAIK was a rare surname weighed against refusal); *In re Benthin Mgmt. GmbH*, 37 USPQ2d 1332, 1333 (TTAB 1995) (same, but with BENTHIN); *In re Sava Research Corp.*, 32 USPQ2d 1380, 1381 (TTAB 1994) (same, but with SAVA); *In re Garan Inc.*, 3 USPQ2d 1537 (TTAB 1987) (same, but

with GARAN). This is because “the degree of rarity of a surname has a direct bearing on whether the term will be perceived by the public as primarily merely a surname.” *In re Sikorsky Aircraft Corp.*, 2006 TTAB LEXIS 852, \*8-9 (TTAB 2006) citing *In re Industrie Pirelli*, 9 USPQ2d 1564, 1566 (TTAB 1988); *In re Garan Inc.*, 3 USPQ2d 1537, 1540 (TTAB 1987). “A surname may be so rare or obscure that it may not fall within the proscription of Section 2(e)(4) of the Act.” *Id.* citing *In re Benthin*, 37 USPQ2d 1332; *In re Sava*, 32 USPQ2d 1380.

The Examining Attorney asserted in the July 6 Office Action that the WEISS appeared some 99,000 times in a nationwide phone directory and 56,000 in the 2000 Census. Appellant points out that in a nation of over 320 million people, 56,000 results amounts to barely 0.02% of the 320 million Americans. Even the 99,000 phone directory names, collectively, is barely 0.03% of the total U.S. population. Such a small percentage of Americans having the Weiss surname supports Appellant’s assertion that WEISS is a rare surname.

Further, when a mark includes wording in addition to a term that, standing alone, may be considered primarily merely a surname, the question is whether the mark sought to be registered as a whole would be perceived by the public primarily merely as a surname. TMEP §1211.01(b) (citing *In re Hutchinson Tech. Inc.*, 852 F.2d 552, 554, 7 USPQ2d 1490, 1492 (Fed. Cir. 1988)). That is not the case here.

The treatment of such marks depends on the significance of the non-surname wording. TMEP §1211.01(b)(vi). Here, as in *Huchinson Technology*, the mark may not be parsed into its separate parts of WEISS or WATCH or COMPANY, but needs to be considered as a singular whole, WEISS WATCH COMPANY and if the singular mark WEISS WATCH COMPANY is capable of functioning as a mark in its entirety,

as it is here, then it is registerable. *Id.* Further, it has long been established under the “anti-dissection rule” that “the commercial impression of a trademark is derived from it as a whole, not from its elements separated and considered in detail. For this reason, it should be considered in its entirety.” *Estate of P. D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538, 545–46, 64 L. Ed. 705, 40 S. Ct. 414 (1920). It violates the anti-dissection rule to focus on the “prominent” feature of a mark, ignoring other elements of the mark. *Massey Junior College, Inc. v. Fashion Institute of Technology*, 492 F.2d 1399, 181 U.S.P.Q. 272 (C.C.P.A. 1974). See *Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 212 U.S.P.Q. 233 (C.C.P.A. 1981) (“It is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in.”).

The Examiner does not assert that WEISS WATCH COMPANY, the mark in its entirety, is primarily a surname, nor could he credibly. Appellant asserts that its mark, taken as a whole, is not a surname nor is it a well-known surname.

### **C. WEISS Has Another Non-Surname Meaning**

The Board has previously considered evidence as an indicator that a term lacks non-surname significance. See *In re Petrin Corp.*, 231 U.S.P.Q. 902, 903 (T.T.A.B. 1986). Further, in determining whether a term is primarily merely a surname, the examining attorney must consider whether the term has any meaning in a foreign language. This determination is made from the point of view of American buyers familiar with the foreign language. *In re Isabella Fiore, LLC*, 75 USPQ2d 1564 (TTAB 2005) (holding FIORE – the Italian equivalent of “Flower” – not primarily merely a surname).  
TMEP §1211.01(a)(vii).

In the February 3 Office Action, the Examining Attorney asserts “there are no dictionary definitions for ‘WEISS.’” In its Office Action response, Appellant provided evidence that WEISS is the German word for “white,” a clearly non-surname term. In response, the Examining Attorney alleges the evidence provided is unpersuasive because the significance of WEISS to the potential American purchasers, including those who recognize it as a non-English term meaning “white,” is more likely that of a surname, particularly given the popularity of the term as a surname. This conclusion is disingenuous at best. There are over 1.3 million German-speaking persons in the United States. See Exhibit A, a true and correct copy of the Wikipedia article *German Language in the United States*, attached hereto and incorporated by reference herein.

There are 13 times more German speaking persons in the U.S. than those with the WEISS surname. It is more reasonable that “American buyers familiar with the foreign language” would more readily translate “Weiss” into “white” than presume it a surname.

#### **D. WEISS WATCH COMPANY Does Not Have The “Look and Feel” of a Surname**

Even in the absence of non-surname significance, a reasonable application of the “primary significance to the purchasing public” test could result in a finding that the surname, when used as a mark, would be perceived as arbitrary or fanciful. *In re United Distillers plc*, 56 USPQ2d 1220, 1222 (TTAB 2000) (finding HACKLER does not have the look and feel of a surname); see also *In re Joint-Stock Co. “Baik,”* 84 USPQ2d 1921, 1923 (TTAB 2007) (finding lack of other recognized meaning does

not in itself imbue a mark with the “look and feel” of a surname).

The Examining Attorney does not assert the applied-for WEISS WATCH COMPANY has a “look and feel” of a surname. It cannot be assumed, therefore, that WEISS WATCH COMPANY could possibly have the “look and feel” of a surname. Moreover, the applied-for mark WEISS WATCH COMPANY simply lacks the look and feel of a surname sufficient that it would be perceived by the purchasing public to be primarily a surname. Like HACKLER in *In re United Distillers plc*, the term at issue simply does not have the immediate look and feel of a surname such as SMITH or JONES. Rather, it lacks this requisite element that would establish the primary significance of the same as a surname sufficient to hold on the instant refusal, namely, the overall look and feel of a surname.

#### **E. Other Registered WEISS Marks**

The inherent distinctiveness of WEISS is confirmed by the existence of other WEISS-formative marks on the Principal Register. Those registrations involve no disclaimer of WEISS as descriptive and no claim of acquired distinctiveness under Section 2(f). Indeed, the Principal Register includes other registered or allowed trademarks containing the word “weiss” without any Section 2(f) claim or evidence of acquired distinctiveness. These third party registrations and allowed applications include:

<b>Cited Mark</b>	<b>Application / Registration Numbers</b>
Stylized WEISS	76369807 / 2941063
WEISS MULTI-STRATEGY ADVISERS	76663505 / 3243402

Cited Mark	Application / Registration Numbers
WEISS WEISS BABY	86679646 / 4910160
WEISS-ROHLIG	78272190 / 3249924
Stylized WEISS	77633227 / 3826877
Stylized WEISS ENTERPRISES	75829487 / 2502867

These registrations support the registrability of the Appellant’s WEISS WATCH COMPANY mark and show that accepting this Application for publication and ultimately registration is entirely consistent with previous USPTO conclusions that WEISS is not primarily merely a surname.

#### **F. Any Doubt Favors Registrability**

Appellant points out that “[i]f there is any doubt as to whether a term is primarily merely a surname, the Board will resolve the doubt in favor of the applicant.” TMEP §1211.01 (emphasis added) citing *Yeley*, 85 USPQ2d 1150, 1151 (TTAB 2007); Benthin, 37 USPQ2d at 1334. In this case, the evidence submitted by the Examining Attorney and Appellant suggests that WEISS is, at the very least, a rare surname. Given the existence of the German-language meaning of “white” when referring to “Weiss,” Appellant contends that consumers would not view the primary significance of WEISS WATCH COMPANY to be merely a surname. Therefore, TTAB precedent compels a finding in Appellant’s favor.

### **III. CONCLUSION**

In order for a designation to be rejected under Section 2(e)(4), the designation must not simply be a surname; it must be “primarily merely” a surname. The word

“primarily” means that the main significance of the word must be as a surname and not as something else. *See In re McDonald’s Corp.*, 230 U.S.P.Q. 304, 307 (T.T.A.B. 1986). That a word may, in fact, be the name of someone is not controlling. As the Board stated in *In re BDH Two, Inc.*, 26 U.S.P.Q.2d 1556, 1558 (T.T.A.B. 1993),

[W]e concede that the undisputed evidence indicates the term ‘grainger’ has no recognized meaning other than that of a surname. In this appeal, however, we must answer whether GRAINGERS is or is not ‘primarily merely a surname’ within the meaning of the statute. We believe it is not.

Refusal to register Appellant’s WEISS WATCH COMPANY mark should be reversed.

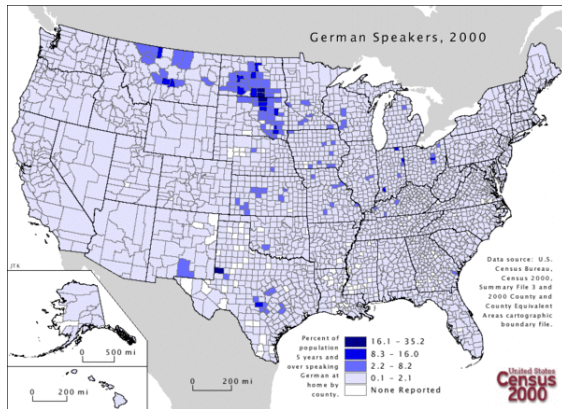
Dated: September 26, 2016

SHERMAN IP LLP

By: /s/ Joshua A. Schaul  
Joshua A. Schaul, Reg. No. 57691

# EXHIBIT A

# German language in the United States



*German language spread in the United States, 2000*

Over 50 million Americans claim German ancestry, which makes them the largest single ethnic group in the United States. Around 1.38 million people in the United States speak the German language.<sup>[5]</sup> It is the second most spoken language in North Dakota.<sup>[6]</sup> In 16 states, it is the most spoken language other than English and Spanish.<sup>[7]</sup>

## 1 History

German became the second most widely spoken language in the U.S. starting with mass emigration to Pennsylvania from the German **Palatinate** and adjacent areas starting in the 1680s, all through the 1700s and to the early 20th century. It was spoken by millions of immigrants from Germany, **Switzerland**, and the **Austro-Hungarian** and **Russian** Empires, and their descendants. Many newspapers, churches and schools operated in German as did many businesses. The use of the language was strongly suppressed by social and legal means during **World War I**, and German declined as a result, limiting the widespread use of the language mainly to **Amish** and **Old Order Mennonite** communities. After the First World War, German lost its position as the second most widely spoken language in the United States.<sup>[8][9]</sup>

### 1.1 German-language Methodist Church

Around 1800, two **German-language Methodist** churches were founded, the “Vereinigten Brüder in Christo” and the “Evangelische Gemeinschaft”. Both used Methodist hymnals in German and published German newspapers, of which one existed until 1937. From the middle of the

19th century English was used as a second language in the churches, but there were regions in which German was the main church language into the 20th century. In 1937 both churches fused and joined the **United Methodist Church** in 1968.



*German newspapers in the U.S., 1922.*

## 1.2 German-language press

The first German newspaper in the U.S. was the *Hohedeutsch-Pennsylvanischer Geschichte-Schreiber, oder Sammlung Wichtiger Nachrichten aus dem Natur- und Kirchen-Reich* (“the High German-Pennsylvanian story-writer, or collection of important news from the realms of nature and the church”), later known as *die Germantäuner Zeitung*.<sup>[10]</sup> It was a German-language paper, *Der Pennsylvanische Staatsbote* that on July 5, 1776, was the first paper to report the American Declaration of Independence, and it did so in German translation. English readers would have to wait a day later to read the English text in the *Pennsylvania Evening Post*.

In the 19th century the German press increased in importance and the number of dailies exploded. In 1909 a report stated “every American city or town with a large German population possesses one or more German newspapers. In New York City there are twelve or more... the best... being...the *New Yorker Staats-Zeitung*. The

Illinois *Staats-Zeitung* has nearly as large a circulation, and the Milwaukee *Germania* claims the largest circulation of all. The *Milwaukee Herald* comes not far behind. Philadelphia has its *Demokrat*, Baltimore its *Correspondent*, Cincinnati its *Volksblatt*, St. Louis...its...*Die Westliche Post* and *Der Anzeiger des Westens*.” It also reported that compared to 17,194 English papers in the U.S. in 1900, there were 613 German ones. The next largest language group, the Scandinavian, had only 115.<sup>[10]</sup>

With repression of the German language during World War I, the German press in America was reduced drastically.



A poster of WWII era discouraging the use of Italian, German, and Japanese.

### 1.3 Persecution during World War I

When the U.S. joined in World War I, an anti-German hysteria quickly spread in American society. German-Americans, especially immigrants, were blamed for military acts of the German Empire, and even speaking German was seen as unpatriotic. Many German-American families anglicized their names (e.g. from *Schmidt* to *Smith*, *Schneider* to *Taylor*, *Müller* to *Miller*), and German nearly disappeared in public. Many states forbade the use of German in public and the teaching of German in schools.

An extensive campaign forbade all things German, such as performing the music of German composers at symphony concerts. Language was the focus of legislation at

state and local levels. It took many forms, from requiring associations to have charters written in English to banning speaking German within city limits. Some states banned the teaching of all foreign languages, though most only banned German. A bill was introduced in October 1918 to create a national Department of Education, intended to restrict federal funds to states that enforced English-only education. The Lutheran Church was divided by an internal battle over conducting services and religious instruction in German.<sup>[11]</sup>

On April 9, 1919, Nebraska enacted a statute called “An act relating to the teaching of foreign languages in the state of Nebraska,” commonly known as the Siman Act. It provided that “No person, individually or as a teacher, shall, in any private, denominational, parochial or public school, teach any subject to any person in any language other than the English language.” It forbade foreign instruction to children who had not completed the eighth grade. A total ban on teaching German in both public and private schools was imposed for a time in at least fourteen states, including California, Indiana,<sup>[12]</sup> Wisconsin,<sup>[13]</sup> Ohio, Iowa and Nebraska. California’s ban lasted into the mid-1920s. German was banned again in California churches in 1941. The Supreme Court case in *Meyer v. Nebraska* ruled that these laws were unconstitutional, but German never recovered its position as the second language in the United States. Pennsylvania’s legislature passed a German-language ban, but it was vetoed by the governor.

Much of the animosity against German had to do with the Socialist, pacifist and isolationist tendencies of many German-Americans.

## 2 Dialects and geographic distribution

### 2.1 Pennsylvania German

Main article: Pennsylvania German language

Old Order Amish, Old Order Mennonites and other Pennsylvania Germans speak a dialect of German known as Pennsylvania German (widely called *Pennsylvania Dutch*, where *Dutch* is used in its archaic sense, thus not limited to Dutch but including all variants of German).<sup>[15]</sup> It is a remnant of what was once a much larger German-speaking area in eastern Pennsylvania. Most of the “Pennsylvania Dutch” originate from the Palatinate area of Germany and their language is based on the dialect of that region.<sup>[16]</sup> While the language is stable among the Old Orders and the number of speakers growing due to the high birth rate among the Old Orders, it is quickly declining among the non-plain Pennsylvania Germans (also called *Fancy Dutch*).

### 2.1.1 Indiana

There is also a significant population of Amish and Old Order Mennonites located in rural areas of Elkhart County and LaGrange County, Indiana, who speak Pennsylvania Dutch. A much smaller community of Pennsylvania Dutch-speaking Amish is found in Parke County, in western Indiana. Many English words have become mixed with this dialect and it is quite different from Standard German (Hochdeutsch), but quite similar to the dialect of the Palatinate region.

Usually, Pennsylvania Dutch (often just “Dutch” or “Deutsch”) is spoken at home, but English is used when interacting with the general population. The Amish and Old Order Mennonites of northern Indiana often differentiate between themselves and the general population by referring to them, respectively, as the “Amish” and the “English”, noting the difference in language. Pennsylvania “Dutch” is sometimes used in worship services, though this is more common among the Amish than the Mennonites. More mainstream (city) Mennonites may have a working knowledge of the language, but it is not frequently used in conversation or in worship services.



Parking meter checker stands by his police vehicle which is imprinted with the German word for police (Polizei). It is part of the town's highlighting its German ethnic origins. New Ulm, Minnesota, July 1974.

## 2.2 Bernese German

Main article: Bernese German

Bernese German, (Standard German: *Berndeutsch*, Alemannic German: *Bärndütsch*) is a subdialect of High Alemannic German which is spoken by Old Order Amish in Adams County, Indiana and their daughter settlements. There are several thousand speakers of the dialect in the USA.

## 2.3 Alsatian dialect of German

Main article: Alsatian dialect

Alsatian, (German: *Elsässisch*), is a Low Alemannic German dialect spoken by Old Order Amish in Allen County, Indiana and their daughter settlements. These Amish immigrated to the US in the mid 1800. There are fewer speakers of Alsatian in Indiana than of Bernese German. Even though there are several thousands speakers. There are also speakers of Bernese German and Pennsylvania German living in the community. Most speakers of Alsatian also speak or at least understand Pennsylvania German. Speakers of Alsatian in Indiana are thus exposed to five languages or dialects: Alsatian, Bernese German, Pennsylvania German, Standard German and English.<sup>[17]</sup>

## 2.4 Texas German

Main article: Texas German

A dialect called Texas German is based in the Texas Hill Country around the town of Fredericksburg still exists, but has been dying out since the end of World War II. Following the introduction of English-only schooling during both world wars, Texas German speakers drifted towards English and few passed the language to their descendants.<sup>[18]</sup>

## 2.5 Hutterite German

Main article: Hutterite German

Hutterite communities in the United States and Canada speak Hutterite German, an Austro-Bavarian dialect. Hutterite is spoken in the U.S. states of Washington, Montana, North and South Dakota, and Minnesota; and in the Canadian provinces of Alberta, Saskatchewan, and Manitoba.

## 2.6 Plautdietsch

Main article: Plautdietsch

Plautdietsch, a Low German dialect, is spoken by “Russian” Mennonites, who immigrated mostly to Kansas in the mid 1870. These Mennonites tended to slowly assimilate into the mainstream society over several Generations, but “Russian” Mennonite immigrants mainly from Mexico, where there is no assimilation, invigorated Plautdietsch in Kansas.

### 3 German as the official US language myth

An urban legend, sometimes called the Muhlenberg legend after Frederick Muhlenberg, states that English only narrowly defeated German as the U.S. official language. In reality, the proposal involved a requirement that government documents be translated into German.<sup>[19][20]</sup> The United States has no statutory official language; English has been used on a *de facto* basis, owing to its status as the country's predominant language.

In Pennsylvania, which had a large German-American population, German was long allowed as the language of instruction in schools,<sup>[21]</sup> and state documents were available in German until 1950. As a result of anti-German sentiment during World War I, the fluency decreased from one generation to the next and only a small fraction of Pennsylvanians of German descent are fluent in the German language.

### 4 German-American tradition in literature

The ties between Germany and the United States having been historically strong has brought about a number of important literary authors.<sup>[22]</sup> In modern German literature, this topic has been addressed frequently by the Boston-born author of German and English lyrical poetry, Paul-Henri Campbell.

### 5 Use in education

According to a government-financed survey, German was taught in 24% of American schools in 1997, and only 14% in 2008.<sup>[23]</sup>

German is third in popularity after Spanish and French in terms of the number of colleges and universities offering instruction in the language.<sup>[24]</sup>

#### 5.1 German language schools

- Fairview-Clifton German Language School, Cincinnati<sup>[25]</sup>
- German American School, Portland, Oregon
- German Language School, Cleveland<sup>[26]</sup>
- German Language School, Columbus, Ohio<sup>[27]</sup>
- German School Phoenix, Tempe, Arizona<sup>[28]</sup>
- Goethe-Instituts in Atlanta, Boston, Chicago, New York City, San Francisco and Washington, D.C.<sup>[29]</sup>
- Milwaukee German Immersion Elementary School, Milwaukee<sup>[30]</sup>
- Twin Cities German Immersion School, St. Paul, Minnesota
- Waldsee (camp) near Bemidji, Minnesota
- German International School Boston
- German School New York
- German International School of Silicon Valley
- German School Washington, D.C.

### 6 Presidents

See also: List of multilingual Presidents of the United States

### 7 See also

- American Association of Teachers of German
- Bennett Law
- Bilingual education
- German American
- German American National Congress
- German-American Heritage Foundation of the USA
- French language in the United States

#### 7.1 Media

- *Arbeiter-Zeitung*, a Chicago German-language newspaper.
- *Waechter und Anzeiger*, was a Cleveland German language newspaper (once held daily circulation of 34,000).<sup>[31]</sup>
- *New Yorker Staats-Zeitung*
- *Der Volksfreund*, a newspaper in Buffalo, New York.
- *Neue Presse*, a Los Angeles German-language newspaper
- KMTF, Deutsche Welle TV affiliate for the San Francisco Bay Area
- KJAY, Sacramento radio station with weekly German broadcast
- *Hiwwe wie Driwwe*, the only existing Pennsylvania German newspaper

## 8 References

- [1] “Appendix Table 2. Languages Spoken at Home: 1980, 1990, 2000, and 2007.”. United States Census Bureau. Retrieved August 6, 2012.
- [2] “Detailed Language Spoken at Home and Ability to Speak English for Persons 5 Years and Over --50 Languages with Greatest Number of Speakers: United States 1990”. United States Census Bureau. Retrieved July 22, 2012.
- [3] “Language Spoken at Home: 2000”. United States Bureau of the Census. Retrieved August 8, 2012.
- [4] “Mother Tongue of the Foreign-Born Population: 1910 to 1940, 1960, and 1970”. United States Census Bureau. March 9, 1999. Retrieved August 6, 2012.
- [5] “US Census 2000” (PDF). Census.gov. Retrieved 2015-10-28.
- [6] “Language Map Data Center”. Mla.org. 2013-04-03. Retrieved 2013-11-08.
- [7] Blatt, Ben, *Tagalog in California, Cherokee in Arkansas: What language does your state speak?*, retrieved 2014-05-13
- [8] “FAST-US-1 Intro to American English Reference File”. Uta.fi. 2013-02-24. Retrieved 2015-10-28.
- [9] “The War on German Language and Culture, 1917-1925 by Paul Finkelman :: SSRN”. Papers.ssrn.com. 2009-11-17. Retrieved 2013-11-08.
- [10] Albert Bernhardt Faust, *The German Element in the United States*
- [11] Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (NY: Oxford University Press, 2008), 176–85, 190–3
- [12] “When Indiana Banned German in 1919 | Hoosier State Chronicles: Indiana’s Digital Newspaper Program”. Blog.newspapers.library.in.gov. 2015-08-26. Retrieved 2015-10-28.
- [13] “Expression Leads to Repression | Wisconsin Historical Society”. Wisconsinhistory.org. Retrieved 2015-10-28.
- [14] “Table 5.Detailed List of Languages Spoken at Home for the Population 5 Years and Over by State: 2000” (PDF). United States Census Bureau. February 25, 2003. Retrieved October 3, 2012.
- [15] “Online Etymology Dictionary”. Etymonline.com. Retrieved 2013-11-08.
- [16] Smith, pp. 68-69, 84-85.
- [17] Chad Thompson: *The Languages of the Amish of Allen County, Indiana: Multilingualism and Convergence*, in *Anthropological Linguistics* Vol. 36, No. 1 (Spring, 1994), pp. 69-91
- [18] O'Connor, Kyrie (2013-03-10). “Texas German dying out: language of settlers aging with its users”. *San Antonio Express-News*. Retrieved 2013-06-02.
- [19] “Did Hebrew almost become the official U.S. language?”. January 21, 1994. Retrieved 2008-02-22.
- [20] Dennis Barron (March 1996). “Urban Legend: German almost became the official language of the US”. *soc.culture.german*. Retrieved 2008-12-19.
- [21] “Some states mandated English as the exclusive language of instruction in the public schools, while Pennsylvania and Ohio in 1839 were first in allowing German as an official alternative, even requiring it on parental demand”. Ulib.iupui.edu. Retrieved 2013-11-08.
- [22] “duktus operandi”. duktus operandi. Retrieved 2013-11-08.
- [23] Dillon, Sam (20 January 2010). “Foreign Languages Fade in Class — Except Chinese”. *The New York Times*. Retrieved 16 October 2012.
- [24] “New MLA Survey Shows Significant Increases in Foreign Language Study at U.S. Colleges and Universities” (PDF). Modern Language Association. 2007-11-13. Retrieved 2008-05-16.
- [25] “Home”. Cincinnati Public Schools. Retrieved 2014-03-27.
- [26] “Home”. German Language School Cleveland. Retrieved 2013-11-08.
- [27] “Welcome to Ohio German Language School”. Ohiogermanlanguageschool.org. 2011-09-19. Retrieved 2013-11-08.
- [28] “German School Phoenix — German Saturday School”. .germanschoolphoenix.org. 2015-10-23. Retrieved 2015-10-23.
- [29] Goethe-Institut: USA
- [30] “Milwaukee German Immersion School — Just another MPS School Sites site”. .milwaukee.k12.wi.us. 2012-03-17. Retrieved 2013-09-09.
- [31] “Encyclopedia of Cleveland History:WAECHTER UND ANZEIGER”. Ech.case.edu. Retrieved 2013-11-08.

## 9 Further reading

- Kloss, Heinz (1998) [1977]. *The American Bilingual Tradition* (reprint ed.). McHenry, IL: Center for Applied Linguistics and Delta Systems. ISBN 1-887744-02-9.

## 10 External links

- American Association of Teachers of German
- German American National Congress (DANK) - A national organization celebrating German-American heritage.

- Willi Paul Adams: *The German Americans*. Chapter 7: *German or English*
- Bastian Sick: *German as the official language of the USA?*
- The Muhlenberg hoax – Did German lose out to English by just one vote?
- Persecution of the German Language in Cincinnati and the Ake Law in Ohio, 1917-1919

## 11 Text and image sources, contributors, and licenses

### 11.1 Text

- **German language in the United States** *Source:* [https://en.wikipedia.org/wiki/German\\_language\\_in\\_the\\_United\\_States?oldid=737735556](https://en.wikipedia.org/wiki/German_language_in_the_United_States?oldid=737735556) *Contributors:* Rmhermen, Kwertii, Ruhrjung, Jengod, Freechild, Altenmann, Kesuari, JackofOz, Decumanus, Lethe, Zigger, Wiki Wikardo, Stevietheman, Phrawzty, Mike Rosoft, Freakofnurture, Metron, Hinrik, YUL89YYZ, S.K., Concord, Laurascudder, MPS, Abstrakt, Angr, Woohookitty, Apokrif, Male1979, Gerbrant, BD2412, Koavf, Isaac Rabinovitch, Josiah Rowe, NeonMerlin, Ian Pitchford, Eubot, RussBot, Witan, MosheA, Leutha, Wikipeditor, SmackBot, InverseHypercube, MarshallStack, Big Adamsky, Commander Keane bot, Hmains, Durova, Nbarth, Bolivian Unicyclist, ClairSamoht, Derek R Bullamore, Ezn, 16@r, Martin Kozák, Geo8rge, Van helsing, Cydebot, Keywas92, Dusty relic, Ben414, Alexander lau, Magioladitis, 1549bcp, Thomas W. Richardson, DerRichter, VirtualDelight, Keizers, Shaloha, Student7, STBotD, Extermino, Funandtrvl, Robert1947, Munci, Bhaktivinode, WereSpielChequers, Knepflerle, Solar-Wind, Jeremiestrother, Alexbot, Racebuilder, UGAC, Addbot, Aaronjhll, Wulf Isebrand, 37ophiuchi, Yobot, Evans1982, AnomieBOT, Jim1138, Materialschemist, Citation bot, Bob Burkhardt, Sift&Winnow, Foxtale, Haldraper, Krautvers, Citation bot 1, Djembayz, Zbase4, ClueBot NG, Rezabot, Widr, LiliCharlie, BG19bot, Mark Arsten, Yerevantsi, Yoctoyottas, Ernio48, ChrisGualtieri, Cerabot-enwiki, Beige.librarian, Midlothian09, Prissx, Monkbot, TheQ Editor, Tuncker, Mcjared984, Ttzt, Dash9Z, Jgefd and Anonymous: 82

### 11.2 Images

- **File:Bundesarchiv\_Bild\_137-005795,\_Deutsche\_Zeitungen\_in\_Nordamerika.jpg** *Source:* [https://upload.wikimedia.org/wikipedia/commons/e/ec/Bundesarchiv\\_Bild\\_137-005795%2C\\_Deutsche\\_Zeitungen\\_in\\_Nordamerika.jpg](https://upload.wikimedia.org/wikipedia/commons/e/ec/Bundesarchiv_Bild_137-005795%2C_Deutsche_Zeitungen_in_Nordamerika.jpg) *License:* CC BY-SA 3.0 de *Contributors:* This image was provided to Wikimedia Commons by the German Federal Archive (Deutsches Bundesarchiv) as part of a cooperation project. The German Federal Archive guarantees an authentic representation only using the originals (negative and/or positive), resp. the digitalization of the originals as provided by the Digital Image Archive. *Original artist:* Mayer
- **File:Enemy's language.jpg** *Source:* [https://upload.wikimedia.org/wikipedia/commons/0/02/Enemy%27s\\_language.jpg](https://upload.wikimedia.org/wikipedia/commons/0/02/Enemy%27s_language.jpg) *License:* Public domain *Contributors:* "Una Storia Segreta" by Lawrence Distasi *Original artist:* Courtesy of the Center of Military History
- **File:Flag\_of\_the\_United\_States.svg** *Source:* [https://upload.wikimedia.org/wikipedia/en/a/a4/Flag\\_of\\_the\\_United\\_States.svg](https://upload.wikimedia.org/wikipedia/en/a/a4/Flag_of_the_United_States.svg) *License:* Public domain *Contributors:* SVG implementation of U. S. Code: Title 4, Chapter 1, Section 1 [1] (the United States Federal "Flag Law"). *Original artist:* Dbenbenn, Zscout370, Jacobolus, Indolences, Technion.
- **File:German language by country in the US.gif** *Source:* [https://upload.wikimedia.org/wikipedia/commons/8/87/German\\_language\\_by\\_country\\_in\\_the\\_US.gif](https://upload.wikimedia.org/wikipedia/commons/8/87/German_language_by_country_in_the_US.gif) *License:* Public domain *Contributors:* <http://www.valpo.edu/geomet/pics/geo200/language/german.gif> *Original artist:* US Census Bureau
- **File:New\_uhm\_police.jpg** *Source:* [https://upload.wikimedia.org/wikipedia/commons/a/af/PARKING\\_METER\\_CHECKER\\_STANDS\\_BY\\_HIS\\_POLICE\\_VEHICLE\\_WHICH\\_IS\\_IMPRINTED\\_WITH\\_THE\\_GERMAN\\_WORD\\_FOR\\_POLICE\\_%28POLIZEI%29.\\_IT...\\_-\\_NARA\\_-\\_558137.jpg](https://upload.wikimedia.org/wikipedia/commons/a/af/PARKING_METER_CHECKER_STANDS_BY_HIS_POLICE_VEHICLE_WHICH_IS_IMPRINTED_WITH_THE_GERMAN_WORD_FOR_POLICE_%28POLIZEI%29._IT..._-_NARA_-_558137.jpg) *License:* Public domain *Contributors:* U.S. National Archives and Records Administration *Original artist:* Flip Schulke, 1930-2008, Photographer (NARA record: 2435383)

### 11.3 Content license

- Creative Commons Attribution-Share Alike 3.0